

**AMENDMENTS TO THE DRAWINGS**

In FIG. 8(c), the label “822” pointing to the image below section 811 and above section 812 has been changed to “823.”

Attachment: One (1) Replacement Sheet

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-18, are all the claims pending in the application, as claims 17 and 18 are hereby added.

No new matter has been added. Applicant submits the pending claims define patentable subject matter.

***Response to Arguments***

The Examiner withdrew the finality of the previous Office Action in response to our arguments submitted in the Response filed June 14, 2007. The Examiner specifically states he withdrew the finality based on the argument filed on “4/14/07.” However, Applicant submits the correct date should be June 14, 2007.

***Claim Rejections - 35 USC § 103***

Claims 1-16 now stand rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al (U.S. Pat. App. Pub. No.: US 2003/0072486; hereinafter “Loui”) in view or Ishiguro et al (U.S. Pat. App. No. 5,053,831; hereinafter “Ishiguro”). Applicant traverses the rejection for the following reasons.

Independent claim 1 requires, *inter alia*,

a data obtaining section for sequentially obtaining a plurality of image data representative of a plurality of images;

a data editing section for performing a layout processing that images represented by the image data sequentially obtained by said data obtaining section are disposed in order of obtaining of the image data by a number permitted in arrangement as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets, and editing image data representative of images disposed by the number permitted in arrangement as many as possible on the maximum size of one

sheet onto image data representative of whole images to be recorded on the one sheet[.]<sup>1</sup>

Nevertheless, the Examiner asserts Loui discloses the above-noted features, specifically, in paragraph [0043]. However, paragraph [0043] expressly states the layout module “groups all pictures for a single event together[.]”<sup>2</sup> Moreover, regarding the page layout module, Loui states,

[t]he page layout module presents to the user an automatically laid out album, organized by event, with the algorithm choosing ... albuming parameters by default[.]<sup>3</sup>

Further, regarding the “algorithm,” Loui discloses an “albuming algorithm” which lays out pictures according to an event and/or sub-event boundary.<sup>4</sup> That is, the images are specifically arranged according to the event and sub-event boundaries.<sup>5</sup> Thus, arranging pictures according to event/sub-events does not necessarily include performing layout processing, such that images are disposed in the order of obtaining the image data, where the image data has been sequentially obtained. Consequently, Applicant submits that Loui fails to teach or suggest this unique feature.

The image data output apparatus according to claim 9, wherein data editing section arranges said image data automatically based on a setting for a margin size of an edge portion of the one sheet, and a setting for an interval size between images on the one sheet.

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<sup>1</sup> Emphasis added.

<sup>2</sup> See *Loui*, paragraph [0043], lines 2 and 3.

<sup>3</sup> See *Loui*, paragraph [0034] (emphasis added).

<sup>4</sup> See *Loui*, Abstract, paragraph [0052], lines 1-4, and FIGS. 2, 3 and 6 (operation S122).

<sup>5</sup> See *Loui*, Abstract, and FIGS. 1, 2, 4 and 6.

Furthermore, independent claim 1 also recites:

a sheet selection section for automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images represented by image data edited by said data editing section[.]

The Examiner admits Loui fails to teach or suggest this unique feature. However, the Examiner asserts Ishiguro teaches these features missing from Loui. In particular, the Examiner points to col. 1, lines 44-64 of Ishiguro. The cited portion of Ishiguro appears to disclose an automatic paper selecting function, which automatically selects a paper feeding portion containing different sizes of sheets, so that images can be printed on a page without leaving out any portion of the images. The Examiner further asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loui in view of Ishiguro, in order to “enhance the LOUI’s invention.”

However, Applicant submits that one of ordinary skill in the art, at the time the invention was made, would not have been motivated to modify Loui as the Examiner suggests, because such a modification would impermissibly change the principle of operation<sup>6</sup> of Loui. Loui is designed to provide “an albing system that removes some of the burden from the user, e.g., by making at least a first draft attempt to group the images into events according to certain logical criteria, and then to offer to the user a page layout tailored for each event.”<sup>7</sup> Thus, Loui is designed to allow a user to group images into events.

Ishiguro, on the other hand, describes an automatic paper selecting function to select a paper feeding portion based on a copying magnification selected by a user. If one were to

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<sup>6</sup> See MPEP § 2143.01(VI).

<sup>7</sup> See *Loui*, last sentence of paragraph [0005].

modify Loui to include the automatic paper selecting function of Ishiguro, the layout format would have to be changed to accommodate the selected paper feeding portion. That is, the layout format would not be according to an event grouping, but instead, reconfigured to accommodate the selected paper feeding portion.

Furthermore, Loui specifically states,

[t]he main effect of this invention is to create and develop a software system or application that enables the automatic organization and albing of consumer images, such that various albing features, such as image event clustering, dud identification, duplicate detection and page layout, may be achieved with a minimum amount of user intervention.<sup>8</sup>

If one were to modify the invention of Loui to incorporate the automatic paper selecting function of Ishiguro, it would definitely require more user intervention, which would render Loui unsatisfactory for its intended purpose,<sup>9</sup> i.e., to minimize user intervention.

Additionally, as noted above, claim 1 requires, *inter alia*, “a data editing section for performing a layout processing that images ..., are disposed ... as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets.” In contrast, the lines of Loui cited by the Examiner (i.e., page 5, paragraph 0043) as disclosing this feature of the invention specifically describe “the page layout module groups all pictures from a single event together, using the smallest number of pages that satisfies the user’s limit on the maximum number of pictures that may appear on a page.” According to Loui, if the user designates “4 sheets” as the maximum number, any of 1-sheet group through 4-sheet group is arranged on each page. Therefore, these lines of Loui fail to disclose the concept of “a maximum size of sheet of a

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<sup>8</sup> See *Loui*, paragraph [0008] (emphasis added).

<sup>9</sup> See MPEP § 2143.01(V).

plurality of predetermined sizes of sheets,” as well as the concept of “images disposed as many as possible on the maximum size.” In *Loui*, the maximum number of sheets that can be arranged is specified by the user, which is not “images disposed as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets,” as recited in claim 1 of the present invention.

Further, another portion of *Loui* cited by the Examiner (i.e., page 5, paragraph 0052, lines 13-17) describes “the maximum number of pictures per page may either default to a system default parameter.” However, this does not correspond to “images disposed as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets” as claimed. Moreover, Applicant submits that no other part of *Loui* discloses this feature of the claimed invention. Therefore, *Loui* fails to disclose the “data editing section” as set forth in the claims of the present invention.

In view of the above, Applicant submits independent claim 1 is patentable over the prior art of record, at least for the reasons stated above. Similarly, Applicant submits independent claims 5 and 9 are patentable for analogous reasons. Finally, Applicant submits dependent claims 2-4, 6-8 and 10-16 are patentable, at least by virtue of their respective dependency on claims 1, 5 and 9.

Moreover, regarding claim 2, 6 and 10, the Examiner asserts *Loui* discloses all of the claimed features. In support of his position, the Examiner points to page 5, paragraph [0051], “where the rotation section is used to rearrange the pictures on the template as needed.” The Examiner cites similar portions of *Loui* in rejecting claims 3, 7 and 11. However, nothing in the cited text discloses or even remotely suggests either “while an arrangement position on the sheet

of the images already disposed on the sheet is fixed,”<sup>10</sup> or “while a position on the sheet of the images already disposed on the sheet is permitted in movement.”<sup>11</sup>

On the contrary, the cited text merely states that a user can view the algorithm’s placement of pictures and either accept the layout, or reject it.<sup>12</sup> Applicant submits either accepting or rejecting the layout does not necessarily correspond to an arrangement position on the sheet which is fixed, or permitted in movement, as claimed. Accordingly, in addition to the reasons stated above regarding dependency, Applicant submits dependent claims 2, 3, 6, 7, 10 and 11 are patentable for these reasons.

*New Claims*<sup>13</sup>

Additionally, Applicant submits that neither Loui nor Ishiguro, nor any combination thereof, describes performing a layout processing automatically based on settings for margin and gap width between images. For example, Loui merely describes performing the layout of pictures based on the albuming algorithm using predetermined values set by the user. However, none of the predetermined values set by the user corresponds to settings for margin size of an edge portion of a sheet and an interval size between images on the sheet. Applicant submits the prior art of record is silent in this regard. Therefore, Applicant submits new claims 18 and 19 are patentable over the prior art of record, for at least these reasons.

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<sup>10</sup> Regarding claims 2, 6 and 10 (emphasis added).

<sup>11</sup> Regarding claims 3, 7 and 11 (emphasis added).

<sup>12</sup> See *Loui*, last sentence of paragraph [0053].

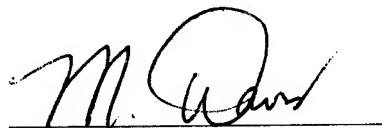
<sup>13</sup> Applicant submits support for new claims 17 and 18 can be found, for example, in FIG. 7 of the present application which shows an automatic setting (730) for the layout mode, including settings for margin (731) and gap width (732).

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

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